

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY,
Plaintiff,

v.

No. 3:20-cv-691-DPJ-FKB

AN EASEMENT AND RIGHT-OF-WAY
OVER 1.02 ACRES OF LAND, MORE
OR LESS, IN RANKIN COUNTY,
MISSISSIPPI, and
ALICE REEP,
THERESA LORRAINE REEP,
LORIANN FRANCES REEP,
MARY ALICE REEP KIRBY,
COMMUNITY BANK OF MISSISSIPPI,
DONALD G. GRIFFIN, trustee,
Defendants.

COMPLAINT

1. This is an action of a civil nature brought by the United States of America upon the relation and for the use of the Tennessee Valley Authority for the taking of property under the power of eminent domain and for the ascertainment and award of just compensation to the owners and parties in interest.

2. The authority for the taking is the Tennessee Valley Authority Act of 1933, *as amended*, 16 U.S.C. §§ 831 et seq.

3. The public use for which the property is taken is the erection, operation, and maintenance of electric power transmission circuits and communication circuits.

4. The property interest to be acquired is a permanent easement and right-of-way.

5. The easement and right-of-way herein condemned is described in Attachment 1 hereto and made a part hereof.

6. The persons known to the Plaintiff to have or who may claim an interest in said property are as follows:

a. Alice Reep, Theresa Lorraine Reep, Loriann Frances Reep, and Mary Alice Reep Kirby each own an undivided 1/4 interest in said property in fee simple as surviving heirs at law of James R. Reep, deceased, who was vested in said property by virtue of a deed recorded in Deed Book 275, page 548, in the office of the Chancery Court Clerk of Rankin County, Mississippi.

b. Community Bank of Mississippi is the current holder of a lien on said property in the amount of \$30,035.64 by virtue of a Deed of Trust recorded in said Chancery Court Clerk's office in Deed of Trust Book 3011, page 73317, and modified by virtue of a Modification of Deed of Trust recorded in Deed of Trust Book 3016, page 127600, in said register's office.

c. Donald G. Griffin, trustee, is designated trustee in said Deed of Trust.

d. County, City, and School taxes for 2020 are liens on said property.

7. A Declaration of Taking is being filed contemporaneously herewith.

WHEREFORE, the Plaintiff demands that:

(1) An Order be issued putting the Tennessee Valley Authority as agent of the United States of America into immediate possession of the property condemned.

(2) Just compensation for the property taken be ascertained in accordance with Rule 71.1(h) of the Federal Rules of Civil Procedure.

(3) A Judgment be entered confirming the vesting of title to the interests sought to be condemned in the United States of America by virtue of the Declaration of Taking filed herewith.

(4) The Plaintiff have such other relief as may be lawful and proper.

Respectfully submitted,

s/Michael V. Bernier

Michael V. Bernier (MS BAR 103960)
James S. Chase (TN BPR #020578)
TVA GENERAL COUNSEL'S OFFICE
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
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Email mvbernier@tva.gov

Attorneys for Plaintiff

101501359

TRACT NO. PTFLO-18

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, including guy wires, in, on, over, and across said right-of-way, together with the perpetual right to clear said right-of-way and keep the same clear of structures (including but not limited to flagpoles, solar panels, buildings, signboards, billboards), trees, brush, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush; to prevent the drilling or sinking of wells within the right-of-way; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Tennessee Valley Authority to remain liable for any direct physical damage to the land and annual growing crops resulting directly from the operations of the construction and maintenance forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transmission line structures, all upon, under, over, and across the following-described land:

TRACT NO. PTFLO-18

A strip of land located in the Northwest 1/4 of Section 15, Township 6 North, Range 3 East, Rankin County, State of Mississippi, as shown on a map entitled "Philadelphia – Langford Transmission Line," drawing LW-7728, sheet P28B, R.3, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said strip being 100 feet wide, lying 50 feet on each side of the centerline of the transmission line location and the end boundaries of the strip being more particularly described as follows:

Beginning where the centerline of the location crosses the north line of Section 15, said point being 432.20 feet east of a 3/8 inch rebar at the common corner between Alice Reep, et al., and Lakeland Place, a Mississippi limited liability company and also being at survey station 169+82.1; thence S. 49° 06' 20" W., 570.40 feet to a point in the common line with Lakeland Place, a Mississippi limited liability company at survey station 175+52.5; less and except all that area described herein that lies within the right-of-way of Mississippi State Highway 25, said strip bounded on the east end by the north line of Section 15 and on the west end by common line with Lakeland Place, a Mississippi limited liability company, the ends of said strip are shortened or extended to said property lines.

The above-described strip of land includes the centerline of the transmission line location for a net distance of 570.40 feet and contains 1.02 acres, more or less.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title or interest as the owners of the above-described land may have in Tract No. PTFLO-16, State of Mississippi (State Highway 25), the adjoining road right-of-way as shown on the map referenced above.

TRACT NO. PTFLO-18

The coordinates, distances and directions of lines are referred to the Mississippi East 2301Coordinate System, NAD83(2011) Horizontal Datum, NAVD88 (Geoid12A) Vertical Datum.

Record landowner as of the date of the filing of the Declaration of Taking — Alice Reep, Theresa Lorraine Reep, Loriann Frances Reep, and Mary Alice Reep Kirby (Deed Book 275, page 548)

Tax Map and Parcel No. I11 000078 00000
PPIN 034111

101502351

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DONALD G. GRIFFIN, trustee,
Defendants.

NOTICE OF FILING OF DECLARATION OF TAKING

COMES NOW, the Tennessee Valley Authority, the authority empowered by law to acquire in the name of the United States of America the property described in the Complaint of similar title filed in this Court, by and through the undersigned counsel, and files the attached Declaration of Taking (Doc. 2-1). The property interest taken in this action is an easement and right-of-way described in Attachment 2 (Doc. 2-2). A map showing the location of the easement and right-of-way taken is attached as Attachment 3 (Doc. 2-3).

This 28th day of October, 2020.

Respectfully submitted,

s/Michael V. Bernier

Michael V. Bernier (MS BAR 103960)

James S. Chase (TN BPR #020578)

TVA GENERAL COUNSEL'S OFFICE

400 West Summit Hill Drive

Knoxville, Tennessee 37902-1401

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Attorneys for Plaintiff

101506707

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Defendants.

DECLARATION OF TAKING

The Tennessee Valley Authority, the authority empowered by law to acquire in the name of the United States of America the property described in the Complaint of similar title filed in this Court, hereby files this Declaration of Taking pursuant to 40 U.S.C. §§ 3114-3118 (2012) and declares that said property is hereby taken for the use of the United States of America acting by and through its agent, the Tennessee Valley Authority, and further declares that:

1. The property interest taken in this action is the easement and right-of-way described in Attachment 1 attached hereto and made a part hereof.
2. Fifteen Thousand Six Hundred Dollars (\$15,600) is the amount estimated by the Tennessee Valley Authority to be just and liberal compensation for the easement and right-of-way taken. This amount will be tendered into Court for the use of the persons entitled thereto.

3. A map showing the location of the easement and right-of-way taken is attached as Attachment 2.

4. The authority under which the easement and right-of-way is taken is the Tennessee Valley Authority Act of 1933, *as amended*, 16 U.S.C. §§ 831 et seq. The public use for which the easement and right-of-way is taken is the erection, operation, and maintenance of electric power transmission circuits and communication circuits.

5. The Tennessee Valley Authority is of the opinion that the ultimate award probably will be within any limits prescribed by Congress on the price to be paid.

TENNESSEE VALLEY AUTHORITY

Respectfully submitted,

s/Michael V. Bernier

Michael V. Bernier (MS BAR 103960)
James S. Chase (TN BPR #020578)
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Attorneys for Plaintiff

101496090

TRACT NO. PTFLO-18

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A strip of land located in the Northwest 1/4 of Section 15, Township 6 North, Range 3 East, Rankin County, State of Mississippi, as shown on a map entitled "Philadelphia – Langford Transmission Line," drawing LW-7728, sheet P28B, R.3, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said strip being 100 feet wide, lying 50 feet on each side of the centerline of the transmission line location and the end boundaries of the strip being more particularly described as follows:

Beginning where the centerline of the location crosses the north line of Section 15, said point being 432.20 feet east of a 3/8 inch rebar at the common corner between Alice Reep, et al., and Lakeland Place, a Mississippi limited liability company and also being at survey station 169+82.1; thence S. 49° 06' 20" W., 570.40 feet to a point in the common line with Lakeland Place, a Mississippi limited liability company at survey station 175+52.5; less and except all that area described herein that lies within the right-of-way of Mississippi State Highway 25, said strip bounded on the east end by the north line of Section 15 and on the west end by common line with Lakeland Place, a Mississippi limited liability company, the ends of said strip are shortened or extended to said property lines.

The above-described strip of land includes the centerline of the transmission line location for a net distance of 570.40 feet and contains 1.02 acres, more or less.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title or interest as the owners of the above-described land may have in Tract No. PTFLO-16, State of Mississippi (State Highway 25), the adjoining road right-of-way as shown on the map referenced above.

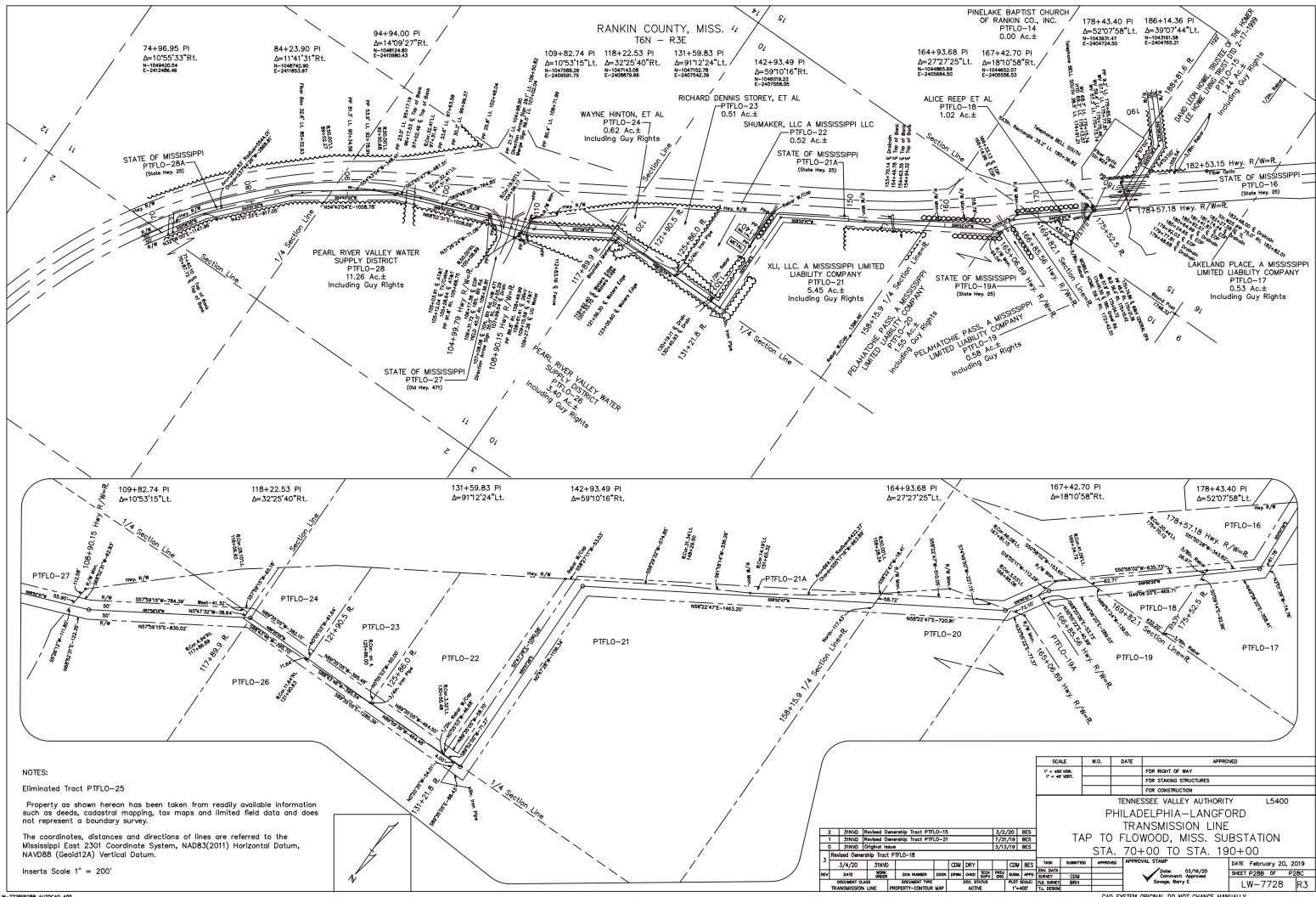
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The coordinates, distances and directions of lines are referred to the Mississippi East 2301Coordinate System, NAD83(2011) Horizontal Datum, NAVD88 (Geoid12A) Vertical Datum.

Record landowner as of the date of the filing of the Declaration of Taking — Alice Reep, Theresa Lorraine Reep, Loriann Frances Reep, and Mary Alice Reep Kirby (Deed Book 275, page 548)

Tax Map and Parcel No. I11 000078 00000
PPIN 034111

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DONALD G. GRIFFIN, trustee,
Defendants.

NOTICE OF CONDEMNATION

TO: Alice Reep, 6034 Highway 25 North, Brandon, Mississippi 39047
Theresa Lorraine Reep, 6034 Highway 25 North, Brandon, Mississippi 39047
Loriann Frances Reep, 235 Timber Creek Lane SW, Marietta, Georgia 30060
Mary Alice Reep Kirby, 110 North Country Club Drive, Hendersonville,
Tennessee 37075
Community Bank of Mississippi, Dogwood Office, 323 East Third Street,
Forest, Mississippi 39074
Donald G. Griffin, P.O. Box 59, Forest, Mississippi 39074

Pursuant to Federal Rule of Civil Procedure 71.1(d)(2), you are hereby notified that the Plaintiff has commenced the above-entitled action in the United States District Court for the Southern District of Mississippi to condemn an easement and right-of-way on and over land in which you have or claim an interest. Said land and the interest taken therein is described in Attachment 1 which is attached hereto and made a part hereof.

The authority for the taking is the Tennessee Valley Authority Act of 1933, *as amended*, 16 U.S.C. §§ 831 et seq.

You are further notified that if you desire to present any objection or defense to the taking of the property described in Attachment 1, you are required to file your answer with the Clerk of the Court and to serve it on the Plaintiff's attorney within 21 days after service of this notice upon you. Your answer shall identify the property in which you claim to have an interest, state the nature and extent of the interest you claim, and state all of your objections and defenses to the taking. Your failure to file and serve an answer constitutes a consent to the taking and to the jurisdiction of the Court to proceed to hear the action and to fix the compensation.

If you have no objection or defense to the taking of this property you may instead file with the Clerk of the Court and serve on the Plaintiff's attorneys a notice of appearance designating the property in which you claim to be interested. Thereafter you will receive notice of all proceedings in this action affecting the property. In the event of a trial of the issue of just compensation, whether or not you have previously appeared or answered, you may present evidence as to the amount of the compensation to be paid for your property, and you may share in the distribution of the award.

Federal Rule of Civil Procedure 71.1(d)(2)(B) requires that an address be provided within the district in which this action is brought where the Plaintiff's attorneys may be served. Such an address is James S. Chase, Attorney, Tennessee Valley Authority, c/o Joshua L. Wooten Manager, Customer Service Center, Tennessee Valley Authority, 3197 Brooks Road, Belden, Mississippi 38826. However, Plaintiff prefers that service be made by mail addressed to James S. Chase, Attorney, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1401.

Respectfully submitted,

s/Michael V. Bernier

Michael V. Bernier (MS BAR 103960)

James S. Chase (TN BPR #020578)

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Knoxville, Tennessee 37902-1401

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Attorneys for Plaintiff

101504091

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Record landowner as of the date of the filing of the Declaration of Taking — Alice Reep, Theresa Lorraine Reep, Loriann Frances Reep, and Mary Alice Reep Kirby (Deed Book 275, page 548)

Tax Map and Parcel No. I11 000078 00000
PPIN 034111

101502351

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS UNITED STATES OF AMERICA upon the relation and for the use of the TENNESSEE VALLEY AUTHORITY		DEFENDANTS An Easement and Right-of-Way over 1.02 Acres of Land, More or Less, in Rankin County, Mississippi, and Alice Reep, et al.	
(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>		County of Residence of First Listed Defendant _____ Rankin <i>(IN U.S. PLAINTIFF CASES ONLY)</i>	
(c) Attorneys (Firm Name, Address, and Telephone Number) See page 2		Attorneys (If Known)	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) <i>(For Diversity Cases Only)</i>	
<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i>	Citizen of This State	<input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation
IV. NATURE OF SUIT (Place an "X" in One Box Only)		Click here for: Nature of Suit Code Descriptions .	
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	PROPERTY RIGHTS
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	SOCIAL SECURITY
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 864 SSID Title XVI
<input checked="" type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 791 Employee Retirement Income Security Act	FEDERAL TAX SUITS
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	IMMIGRATION	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 462 Naturalization Application	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 465 Other Immigration Actions	
	<input type="checkbox"/> 448 Education		
V. ORIGIN (Place an "X" in One Box Only)			
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened
		<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer
			<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
		Cite the U.S. Civil Statute under which you are filing (<i>Do not cite jurisdictional statutes unless diversity</i>): TVA Act, as amended, 16 U.S.C. §§ 831, et seq.	
VI. CAUSE OF ACTION		Brief description of cause: Condemnation of an easement and right-of-way.	
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$ _____
		CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
VIII. RELATED CASE(S) IF ANY		(See instructions): JUDGE _____ DOCKET NUMBER _____	
DATE 10/28/2020		SIGNATURE OF ATTORNEY OF RECORD s/Michael V. Bernier	
FOR OFFICE USE ONLY			
RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____ MAG. JUDGE _____

CIVIL COVER SHEET PAGE 2

United States ex rel. TVA v. An Easement and Right-of-Way over 1.02 Acres of Land,
More or Less, in Rankin County, Mississippi, and Alice Reep, et al.

Attorney for Plaintiff

Michael V. Bernier (MS BAR 103960)
James S. Chase (TN BPR #020578)
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Attorneys for Plaintiff